

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

3:18-cv-3093

ROBERTO MARTINEZ #2067337

Plaintiff's Name and ID Number

11950 FM998

DALHART TX. 79022

Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

Peace Officer KAISER

Defendant's Name and Address

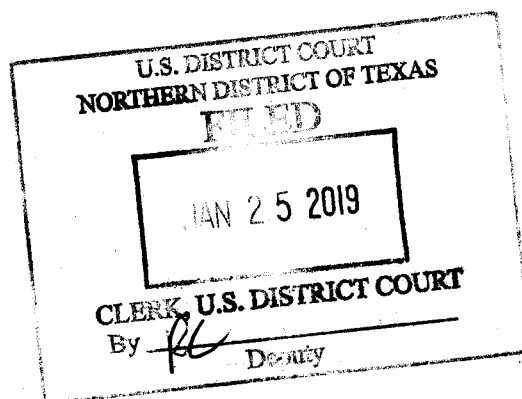
2001 E. Jackson Rd.

Carrollton TX 75006

Defendant's Name and Address

Defendant's Name and Address

(DO NOT USE "ET AL.")



INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: August 27/2018 U.S DISTRICT COURT
2. Parties to previous lawsuit:
Plaintiff(s) Roberto Martinez
Defendant(s) TDCJ OFFICER LIRA and officer Chisum
3. Court: (If federal, name the district; if state, name the county.) U.S District Ct. AMARILLO
4. Cause number: 2-18CV-152-D
5. Name of judge to whom case was assigned: Reno
6. Disposition: (Was the case dismissed, appealed, still pending?) Pending
7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: _____

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: ROBERTO MARTINEZ
11950 FM998 DALHART TX. 79022

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: CITY OF CARROLLTON POLICE Dptm.'s OFFICER KAISER
CITY OF Carrollton Police Dptm. 2001 E. JACKSON Rd. Carrollton 75006

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
INITIATING CRIMINAL PROSECUTION IN A CONSPIRACY.
UNREASONABLE SEIZURE.

Defendant #2: _____

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: _____

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On June the 18th 2017 at about 3:18 P.M. on a saturday at the vacant church's parking lot, PLAINTIFF was approached by OFFICER KAISER with the City of Carrollton's Police Department. KAISER WAS hollerino what you doino here & hastily "YOU ARE PLAYING WITH YOURSELF." DURING HIS ACTIONS OFFICER KAISER Failed to INVESTIGATE the witness and or to talk to the church's office people, and to gather all the necessary information about the witnesses and all the EVIDENCE MATERIAL NECESSARY TO THE CAUSE. KAISER USED THE EVIDENCE IN AN UNFAIR MANNER, and ARRESTED PLAINTIFF.

PLAINTIFF WAS DENIED OF THE PROCEDURAL DUE PROCESS GUARANTEED under the 4th, 14th, 5th am. & U.S.C. PLAINTIFF WAS - IS BEING subjected to pretrial deprivation and and malicious verdicts which constituted a continual seizure INFRINGED HIS constitutional FEDERAL RIGHT OF LIFE LIBERTY, to be free from unreasonable seizure and to be free from malicious crim. prosecution under the FOURTH Amendment U.S.C.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

REDRESS OF GRIEVANCE, DAMAGES
GRANTED ATTORNEY FEES AND COURT COSTS.
IN A NEW TRIAL

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases

Roberto Arnoldo BARRIENTOS MARTINEZ

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

TDCJ # 2067337 TXDL 10384590

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? N/A YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning was issued: N/A

Executed on: Jan. 18 - 2019
DATE

Roberto Barriento

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this Eighteen day of January, 20 19
(Day) (month) (year)

Roberto Barriento

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

PRISONER'S CIVIL RIGHTS VIOLATION COMPLAINT.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

ROBERTO MARTINEZ

V.

CARROLLTON Peace Officer KAISER

FACTS OF THE CASE P.1 OF 2

On August the 3rd. of 2008 when I was done with the malicious wrongful sentence for two (2) counts of I-W-A child. I was hurt-
ings physically, and emotionally. while incarcerated I'd deve-
lop a condition where the intestine collapsed into the scrotum.
The doctors at TERRELL STATE HOSPITAL determined it needed
medical attention, AND HEAD PSYCHIATRIST Michael Dunn, had con-
cluded that some people in DALLAS were trying to do life di-
fficult for me, PLAINTIFF. I'd lost my jobs and customers, my
business was destroyed.
My health condition, e.g the intestine muscle collapsing into the
scrotum had got to a point of being very uncomfortable and
painful, it made me tired.

ALL I could do at that time was to lay down and press it back in-
to place, it just take a few minutes- On June 18-2011 at about
3:18 PM. PLAINTIFF had been working two streets down from
the COVENANT CHURCH and need it some relief from the INJU-
RY. PLAINTIFF parked his truck at the church's parking lot,
(EMPTY VACANT PARKING LOT). Hastely Laying down on the truck's
seat and facing the back of the seat my two hands under the
pants unbuttoned, to press back into place the intestine-
muscle. the triple degrees temp make me feel tired also
I fall sleep (lightly, I knew I'd knew I'd sighed before but not
mouning. No more than 15 min. had passed I was awakened
BY "WHAT YOU DOING OUT HERE" I OPENED MY EYES I see no
one I replied, "I'm Resting for little bit" THE VOICE RESUME
hastely, it was KAISER, by then I was already standing on-
the concrete between the door of the P.U. truck and the seat
"YOU ARE PLAYING WITH YOURSELF". PLAINTIFF stated

"I'M DOING NOTHING WRONG OFFICER" peace officer KAISER
made use of the evidence in an unfair manner in a CONSPI-
RACY TO INPRISONED-REGISTER PLAINTIFF A SEX OFFENDER LIFE ---
peace officer knowingly RECKLESly ARRESTED PLAINTIFF.

peace officer KAISER fail to investigate all the material
evidences, and to contact the church people for his PROBABLE
CAUSE. And SPECIFICALLY properly SCREEN the person who
placed the EMERGENCY CALL to 9-11, On June 18 of 2011
OR JUNE 18 OF 2011.

R.M.
1/17/2019

ROBERTO MARTINEZ

V.

CARROLLTON PEACE OFFICER KAISER

FACTS OF THE CASE

PLAINTIFF IS INCARCERATED, BECAUSE OF KAISER'S ACTIONS ON JUNE 18-2011 AND KAISER ACTIONS ON JUNE 12 OF 2012, AT TRIAL KAISER WAS A COMPLICE WITNESS IN THE EVIL CONSPIRACY, TO IMPRISON AND REGISTER PLAINTIFF AS A SEX OFFENDER LIFE. INVOLVING A VOYU CALL TO EMERGENCY 9-11 PLACED BY A PERSON NON EXISTENT TO PLAINTIFF AT THE TIME OF KAISER'S ACTIONS ON 6/18/2011. THE STATE OF TEXAS WENT BEYOND

SUBJECTING PLAINTIFF TO PRETRIAL DEPRIVATIONS AND UNFAIR VERDICTS WHICH CONSTITUTED A CONTINUAL SEIZURE IN VIOLATION OF THE

FOURTH, FOURTEENTH, FIFTH AMENDMENT USC AND PLAINTIFF WAS DENIED OF HIS CONSTITUTIONAL FEDERAL RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL AT TRIAL AND ON APPEAL GUARANTEED BY THE SIXTH AMENDMENT U.S.C.

WHEN THE STATE OF TEXAS IN THE APPELLEES'S BRIEF IN THE INSTANT CASE # F-14-00302 STATING THAT IN 2014 A GRAND JURY ISSUED INDICTMENT CHARGING APPELLANTS WITH THE OFFENCE OF FAILING TO REGISTER SEX OFFENDER LIFE. ENHANCED BY THE

PRIOR CONVICTION OF INDECENCY WITH A CHILD, NO DATE OF CONVICTION, "NO TWO COUNTS", MAKING IT APPEAR LIKE IF KAISER'S ALLEGATION ON 6/18/11 ARE THOSE OF A I-W-A CH. A FELONY. THE APPELLEE'S BRIEF CONTINUES STATING THAT AT TRIAL E.G. 9/14/14. THE STATE ABANDON THE ENHANCEMENT BY THE PRIOR IND-W-A-CHILD, AND RELIED ON THE CONVICTION ON 4/24/12 FOR F.T. REGISTER S.O LIFE.

NEVERTHELESS PROSECUTOR DEWEY MITCHELL WHILE QUESTIONING ME AT THE WITNESS STANDING TOLD THE JURY IN A MALICIOUS, I MEAN (IN BETWEEN TALKING TO ME, HE STATED, STEPPING TOWARD THE JURY SITTING THE POLICE FOUND HIM JACKING OFF IN HIS TRUCK. REFERRING TO "PEACE" OFFICER KAISER'S ALLEGATIONS ON 6/18/2011. HIS LAST QUESTION WAS TO PLAINTIFF (ME) WAS WHAT ADDRESS THEY HAD GIVEN REFERRING TO THE CONVICTION OF TWO (2) COUNTS OF I-W-A CHIL. THE CONSPIRACY. I'D ANSWERED 4600 THE MAL... BUT I'VE NEVER BEEN THERE. SO THE PROSECUTION USED OF DECEPTION.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Roberto A. Barrientos Martínez
DALHART UNIT #2067337

V.

Peace OFFICER KAISEA

- AFFIDAVIT -

My name My Legal name is Roberto A. Barrientos, as it appears on my USA Passport and my TDL#10384590. I'm 262 year old, and I'am of a sound mind, and have the mental capacity to draw this AFFIDAVIT OF TRUTH. I've not been CONVICTED OF A FELONIE EXCEPT FOR the ONE ALLEGATIONS brought forth IN THE GRIEVANCE, and A PRISONER'S CIVIL Rights violations Complaint §1983 Pursuant to 28 US under TITLE 42 OF THE USC.

It's my belief that our LORD gets involved in the affairs of man. The LORD has shown His divine arrangement, or purpose with man. The LORD has shown man a PATTERN or a WAY. And has stablished DIVINE INSTITUTIONS. THE PATH- THE GOAL AND THE PRACTICE FUNCTION like stepping stones AND GUIDE POSTS, so that ALL OF HIS childrens AND persons may FIND a SECURE SAFE PLACE AS A ABODE.

I'm a Christian business man since my youth, and I run R.A.B SERVICES, I'm registered with the Dallas County and hold a permit in the city of Carrollton. And I've never been the respondent to the BBB on no Complaint(s).

As an employer I'am responsible for the SAFETY, WELL BEING, FARE OF MY EMPLOYEES.

I don't go about offending my fellow citizens.

Neithe DO I ENGAGE IN CRIMINAL CONDUCT that would Land me IN PRISON.

Lawrence L. Pierce
signature

James G. Baker
signature

TDL# 1594571

TDCJ# 1029728

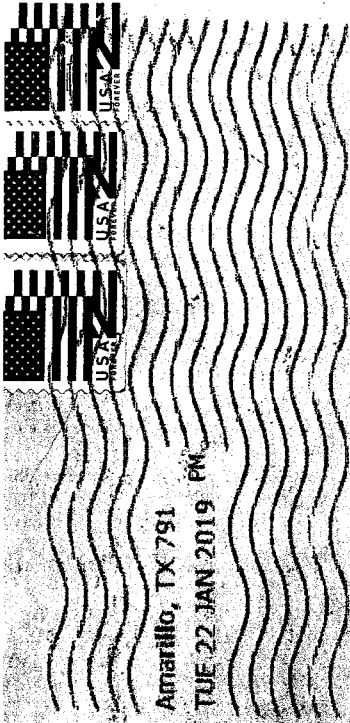
R.M. 1-17/19



I, ROBERTO Martinez, I'am the APPLICANT in this action. Under penalty of perjury declare that to the best of my belief the AFFIDAVIT FACTS ARE TRUE/correct.

Roberto Martinez #2067337

ROBERTO MARTINEZ
#2062337
DALHART UNIT
DALHART TX 79022



RECEIVED - 6
JAN 25 2019
MAILROOM

United States District Court
NORTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK
1100 COMMERCE ROOM 145
DALLAS TX 75242-1495

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

Roberto MARTINEZ
DALHART UNIT

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
1100 Commerce ROOM 1452
DALLAS TX 75242-1495

CLERK Enclosed please find ~~two~~ ^{three} named PRISONER'S CIVIL RIGHTS VIOLATION COM-

plaints. And a attachment of the ~~cor~~ Reportable conviction that I want to attach to peace officer SNYDER. And the AFFIDAVIT TO KAISER CASE.

I would like to get copies of my filings even if a document is NOT FILED I would like it to be returned to me for my record.

I'm sending a self address self stamped envelope.

I hope there is a procedure FOR INJUNCTIVE RELIEF to suspend this conviction ON 9/17/14 FOR FAILURE TO REG S.O. It's DREADFUL AND PAINFUL to be here my chest hurt here with the brain INJURED. my health is IN NEED AT stake

Respectfully

Roberto